

**IN THE COURT OF APPEALS OF MARYLAND**  
**ADMINISTRATIVE ORDER ESTABLISHING BAIL SYSTEM TASK FORCE**

WHEREAS, Detention or release of an accused is a critical component of due process, premised on the presumption of innocence balanced against the need to ensure the appearance of a criminal defendant when required by a court; and

WHEREAS, An effective bail system is a critical factor enabling release of defendants who otherwise might remain in detention due to ineligibility for release on personal recognizance or release on other conditions; and

WHEREAS, The Judiciary's internal auditors have expressed concern that current laws, practices and procedures governing the bail system may not be effective; and

WHEREAS, The bail system is complex, involving the District and Circuit Courts, as well as other units of the Judiciary and also prosecutors, defense counsel, and other stakeholders in the criminal justice system; and

WHEREAS, It is appropriate that all of the stakeholders be brought together in a task force for review of the bail system, including the rules, statutes, practices and procedures with respect thereto;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 23rd day of October, 2003, effective immediately:

1.     Creation.     There is a Bail System Task Force.

2. Members and Advisors.

a. Task Force. The Task Force shall consist of the following members, appointed by the Chief Judge of the Court of Appeals:

(i) The Chief Judge of the District Court, who shall chair the Task Force;

(ii) The Chair of the Conference of Circuit Judges, who shall be vice chair of the Task Force;

(iii) A second circuit court judge;

(iv) A second District Court judge;

(v) A representative of the Attorney General of Maryland;

(vi) A member of the Conference of Circuit Court Clerks;

(vii) The Chief Clerk of the District Court;

(viii) A District Court commissioner;

(ix) A member of the Bar of Maryland who is not an officer or employee of the State or a local government;

(x) A representative of the Maryland Association of Counties;

(xi) A representative of the Maryland Bail Bond Association;

(xii) A representative of the Maryland Insurance Administration;

(xiii) A representative of the Maryland Public Defender; and

(xiv) A member of the Maryland State's Attorneys' Association.

b. Advisors.

(i) The Task Force may invite others to provide advice to or otherwise participate in the Task Force's work, through invitations to public fora, appointment to subcommittees, or assignment of specific tasks such as statistical and academic research.

(ii) Among the entities to be consulted are the Conference of Circuit Court Administrators, the Judiciary's Internal Auditor, the Administrative Office of the Courts including its Judicial Information System unit, the Director of Governmental Affairs, and the Internal Revenue Service and other appropriate federal agencies.

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c. Compensation. Task Force members and advisors are not entitled to compensation but, to the extent that budgeted funds are available, may be reimbursed for expenses in connection with travel related to the work of the Task Force.

### 3. Meetings.

a. Scheduling. The Task Force and its subcommittees, if any, shall meet at the call of the Chair.

b. Quorum. A majority of the authorized membership of the Task Force shall constitute a quorum for the transaction of business.

c. Judiciary Personnel. The Task Force shall meet at least once with those Judiciary personnel responsible for implementation of laws governing bail.

### 4. Functions.

a. Purposes. The purpose of the Task Force is to make detailed recommendations as to Statewide laws to ensure that the bail system effectively guarantees the appearance of criminal defendants as required by courts without undue detention and that the interests of the State and other governmental bodies in collateral are protected through timely recordation of bonds and enforcement on default.

b. Duties. To carry out the purpose of the Task Force, it shall:

- (i) review the report of the Judiciary's internal auditor;
- (ii) study all laws, practices, procedures, and internal controls pertinent to the deficiencies noted in the internal auditor's report or otherwise affecting the effectiveness of the bail system;
- (iii) recommend changes to rules or statutes needed to make the bail system effective;
- (iv) consider federal laws imposing reporting requirements or other duties on Judiciary personnel in connection with bail bonds; and

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(v) make detailed recommendations for operational practices and procedures facilitating implementation, and internal control of, the bail system in an effective manner, including Statewide access by appropriate Judiciary personnel to timely electronic data on bail bondsmen and collateral and protocols for referral of defaults for enforcement, and entry and timely release of judgments.

c. Powers. The Task Force may refer to the Maryland Insurance Administration or other licensing authority or to a State's Attorney, the State Prosecutor, or other appropriate prosecutor matters coming to the attention of the Task Force and, in its opinion, warranting investigation for possible civil or criminal action, including false declarations or other fraudulent practices in connection with bonds.

5. Staff. The Task Force shall have the staff assistance assigned by the Chief Judge of the Court of Appeals.

6. Reports. The Task Force shall submit reports semiannually until rescission of this Order.

/s/ Robert M. Bell  
Chief Judge

Filed: October 23, 2003  
/s/ Alexander L. Cummings  
Clerk  
Court of Appeals of Maryland